

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)
)
 V.) **CR. No.: 2:05cr290-MHT**
)
 EDDIE ANDREW GORDON)

MOTION TO DISMISS DUE TO COMPOSITION OF THE JURY VENIRE

COMES NOW the Defendant, EDDIE ANDREW GORDON, by and through undersigned counsel, Kevin L. Butler, and moves this court to dismiss this Indictment due to improper composition of the Grand and Petit jury venires, and the underrepresentation of African-Americans on said venires.

Said compensation violates the Jury Selection and Service Act, 18 USC §1861 et seq, and the Defendant's Sixth and Fifth Amendments rights to trial by an impartial jury representing a fair cross section of the community and the guarantee of due process.

This Motion is supported by the attached Affidavit. Defendant requests that a hearing on this motion be conducted, if necessary, after the trial in this matter.

Dated this 7th day of August 2006.

Respectfully submitted,

/s Kevin L. Butler
KEVIN L. BUTLER
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CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Tommie Hardwick, Esquire
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, Alabama 36104

Respectfully submitted,

s/ Kevin L. Butler
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